

IN THE MATTER OF
JOHNSON WORLDWIDE ASSOCIATES, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3862. Complaint, April 6, 1999--Decision, April 6, 1999

This consent order, among other things, prohibits Johnson Worldwide Associates, Inc., the Wisconsin-based marketer of outdoor recreation products, including fishing line, from misrepresenting the extent to which any fishing product is made in the United States.

Participants

For the Commission: *Kent Howerton, Laura Koss, and Elaine Kolish.*

For the respondent: *Rebecca Fry, Foley & Lardner, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Johnson Worldwide Associates, Inc. ("respondent") has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Johnson Worldwide Associates, Inc. is a Wisconsin corporation with its principal office or place of business at 1326 Willow Road, Sturtevant, Wisconsin.

2. Respondent has advertised, labeled, offered for sale, sold, and distributed products to the public, including fishing line.

3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

4. Respondent has disseminated or has caused to be disseminated packaging for its Spiderwire Super Mono Super Monofilament ("Super Mono") fishing line, including but not necessarily limited to the attached Exhibit A. The front panel of this packaging contains the following statement:

"MADE IN THE USA of American and Japanese components."

5. Through the means described in paragraph four, respondent has represented, expressly or by implication, that its Super Mono fishing

line is made in the United States of American and Japanese components.

6. In truth and in fact, the Super Mono fishing line is totally made in Japan with Japanese labor and components. Only the spool on which the fishing line is wrapped and the package, labeling, and package inserts contain American labor or components. Therefore, the representation set forth in paragraph five was, and is, false or misleading.

7. Respondent has disseminated or has caused to be disseminated advertisements and other promotional materials for its Super Mono fishing line, including but not necessarily limited to the attached Exhibits B through J. These advertisements and other promotional materials contain the following statements and depictions:

A. Poster, Exhibit B:

Picture of the Super Mono fishing line packaging. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not visible.

B. Newspaper Advertisement, Exhibit C:

Picture of the Super Mono fishing line package. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not visible.

C. Advertising Pamphlet, Exhibit D:

Picture of the Super Mono fishing line package on the front cover of the pamphlet. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not visible.

D. Fishing 1998 Catalog, Exhibit E:

Picture of the Super Mono fishing line package on page 5 of the catalog. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not in a type size sufficiently large for an ordinary consumer to read and comprehend it.

E. Fishing 1999 Catalog, Exhibit F:

Picture of the Super Mono fishing line package on page 4 of the catalog. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not in a type size sufficiently large for an ordinary consumer to read and comprehend it.

F. Fishing Ad Planner 1998, Exhibit G:

Picture of the Super Mono fishing line package on page 14 of the ad planner. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not visible.

G. Information Sheet, Exhibit H:

Picture of the Super Mono fishing line package. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not visible.

H. Product Insert, Exhibit I:

Picture of the Super Mono fishing line package. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not in a type size sufficiently large for an ordinary consumer to read and comprehend it.

I. Informational Videotape, Exhibit J:

Picture of the Super Mono fishing line package. The statement "MADE IN THE USA" is legible on the package. The statement "of American and Japanese components" is not visible.

8. Through the means described in paragraph seven, respondent has represented, expressly or by implication, that its Super Mono fishing line is made in the United States, *i.e.*, that all, or virtually all, of the component parts of the Super Mono fishing line is made in the United States, and that all, or virtually all, of the labor in manufacturing the Super Mono fishing line is performed in the United States.

9. In truth and in fact, the Super Mono fishing line is totally made in Japan with Japanese labor and components. Only the spool on which the fishing line is wrapped and the package, labeling, and package inserts contain American labor or components. Therefore, the representation set forth in paragraph eight was, and is, false or misleading.

10. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

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EXHIBIT A



EXHIBIT B

Exhibit B consists of a poster.
It has been placed on the public record of this proceeding.

EXHIBIT C

Exhibit C consists of a full-page newspaper advertisement.
It has been placed on the public record of this proceeding.

EXHIBIT D

SPIDERWIRE
THE MAXIMUM FISHING EDGE

Reel In Bigger Fishing Line Profits With Spiderwire!

Free Membership Offer, Sweepstakes and Roland Martin Display
Lure More Customers and Land Extra Sales.




REEL IN A FREE MEMBERSHIP

POWER TO WIN A TRIP WITH ROLAND MARTIN!

EXHIBIT D

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EXHIBIT E



30
LB. STRENGTH

6
LB. DIAMETER

150
YARDS

MOSS
GREEN

FEEL
THE
POWER

SpiderWire's superior strength is key to fishermen. The SpiderWire label clearly shows the line strength and the line diameter is compared to traditional fishing line. The attached line sample allows you to "Feel the Power."

MADE IN THE USA

SPIDERWIRE

Premium Braided

MADE IN THE USA

SPIDERWIRE

Fusion

HIGH PERFORMANCE

MADE IN THE USA

SPIDERWIRE

Super Mono

SpiderWire Packaging stands out from the box clutter. It clearly demonstrates the line's superior strength and the "Feel the Power" 300 test.

EXHIBIT E

EXHIBIT F

SPIDERWIRE™**SpiderWire —
award-winning technology
catches more fish**

SpiderWire's award-winning leadership in fishing line technology is well-known within the fishing industry. This year, SpiderWire's new products were recognized as "Best of Show" new fishing lines at the American Sportfishing Association annual trade show.

- SpiderWire Super Mono — Best of Show new monofilament.
- SpiderWire Riptide — Best of Show new superline.

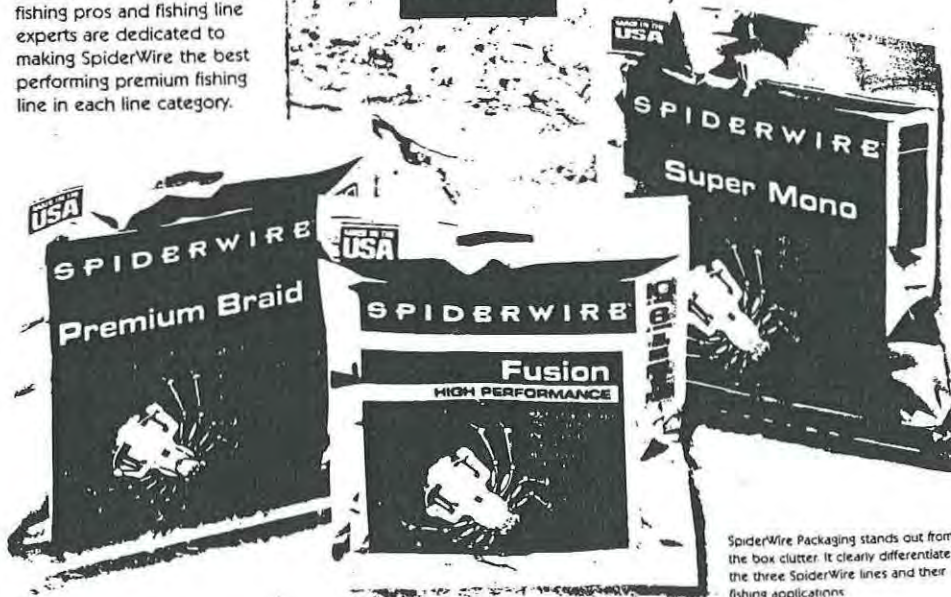
SpiderWire continues to win industry awards because our fishing pros and fishing line experts are dedicated to making SpiderWire the best performing premium fishing line in each line category.

**SpiderWire's
leading fishing lines**

SpiderWire Braid revolutionized fishing and is still recognized as the superline leader! Designed with high-tech Spectra material, SpiderWire Braid's strength and sensitivity is legendary.

In fact, SpiderWire Braid is the strongest, thinnest, most sensitive fishing line in the world. Period.

SpiderWire Riptide Saltwater Braid is designed for optimum saltwater performance. Recognized as "Best of Show", Riptide Saltwater Braid is the world's strongest deepest-fishing line!



SpiderWire Packaging stands out from the box clutter. It clearly differentiates the three SpiderWire lines and their fishing applications.

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EXHIBIT G

SPIDERWIRE MICROFILAMENT SUPERLINE Premium Braid Spiderwire Microfilament Superline • Super Strength • Ultra sensitive to feel more fish • Ultra-thin diameters • Round construction • Near-zero stretch for instant hook sets • UV resistance • No reel memory • Acid and chemical resistance  \$00	SPIDERWIRE MICROFILAMENT SUPERLINE Super Mono Spiderwire Super Mono Line Only the world's number one superline producer could produce Super Mono. Extra strong tensile and knot strength, plus unparalleled abrasion resistance.  \$00	SPIDERWIRE MICROFILAMENT SUPERLINE Fusion Spiderwire Fusion Fused Microfilament Superline Bonds together dozens of micro-fine, super-strong Spectra fibers to ensure excellent abrasion resistance and durability, minimal reel memory, plus complete UV and chemical resistance. It blows nylon monofilament lines out of the water.  \$00
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SPIDERWIRE
MICROFILAMENT SUPERLINE

SPIDERWIRE
MICROFILAMENT SUPERLINE

SPIDERWIRE
MICROFILAMENT SUPERLINE

SPIDERWIRE
MICROFILAMENT SUPERLINE

SPIDERWIRE
MICROFILAMENT SUPERLINE

SPIDERWIRE
MICROFILAMENT SUPERLINE

Super Mono

Super Mono

Super Mono

Fusion

Fusion

Fusion

Fusion

Premium Braid

Premium Braid

Premium Braid

EXHIBIT G

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EXHIBIT H

SPIDERWIRE [®] Premium Braid	SPIDERWIRE [®] Fusion HIGH PERFORMANCE	SPIDERWIRE [®] Super Mono
Strongest, thinnest line available Highest strength-to-diameter ratio in the world 5 times stronger than conventional mono Unmatched strength for the most extreme fishing structure Ultra sensitive, near zero stretch Ultra sensitive to feel even fish without their own stretch for instant hook set	Up to 2 times stronger than conventional mono Superior strength for extreme fishing structure Sensitive to feel more fish Instantly feel every fish strike Low stretch to catch more fish Low stretch for instant hook set	Extra strong Special design for advanced tackle and best strength for the toughest fight Easy and long casting Delivers exceptional performance for long, pinpoint casts Unparalleled abrasion resistance Technically advanced abrasion resistance delivers superior performance against rocks, cuts, and abrasion

	Spinning	Casting	Jigging
Yellow Perch	6/12-10/11	12/24-17/28	6/10-8/12
White Bass	6/10-10/14	6/10-10/14	6/10-10/14
Muskie	12/24-17/28	12/24-17/28	12/24-17/28
Northern Pike	12/24-17/28	12/24-17/28	12/24-17/28
Walleye	6/10-10/14	6/10-10/11	6/10-10/11
Panfish	6/10-8/12	6/10-8/12	6/10-8/12
Catfish	6/12-10/14	12/24-17/28	6/10-10/14
Smallmouth Bass	6/12-10/14	12/24-17/28	6/10-10/14
Rock Bass	6/12-10/14	12/24-17/28	6/10-10/14
Trout	6/10-8/12	6/10-8/12	6/10-8/12

	Live Bait	Trotting
Largemouth Bass	12/24-17/28	6/12-10/11
Smallmouth Bass	6/10-10/11	6/12-10/14
White Bass	6/10-10/14	6/12-10/14
Muskie	12/24-17/28	12/24-17/28
Northern Pike	12/24-17/28	12/24-17/28
Walleye	6/10-10/11	6/10-10/11
Panfish	6/10-8/12	6/10-8/12
Catfish	12/24-17/28	12/24-17/28
Steelhead	12/24-17/28	6/12-10/14
Salmon	12/24-17/28	12/24-17/28
Trout	6/10-8/12	6/10-8/12

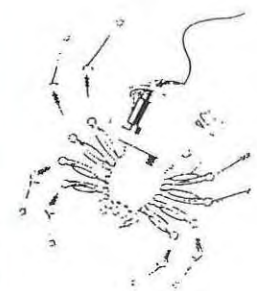


EXHIBIT H

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EXHIBIT I

Exhibit I consists of a product insert.
It has been placed on the public record of this proceeding.

EXHIBIT J

Exhibit J consists of an informational videotape.
It has been placed on the public record of this proceeding.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violations of the Federal Trade Commission Act; and

The respondent, its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, and admission by the respondent of all the jurisdictional facts set forth in the draft complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent violated the said Act, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Johnson Worldwide Associates, Inc. is a Wisconsin corporation with its principal office or place of business at 1326 Willow Road, Sturtevant, Wisconsin.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

I.

It is ordered, That respondent, Johnson Worldwide Associates, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation,

subsidiary, division, or other device, in connection with the manufacturing, marking, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of any fishing product in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44, shall not misrepresent, in any manner, directly or by implication, the extent to which any such product is made in the United States. For purposes of this order, fishing product means any product that is intended to be used for fishing, including but not limited to fishing rods, fishing reels, fishing line, fishing lures, and fishing spoons.

Provided, however, that a representation that any fishing product is made in the United States will not be in violation of this order so long as all, or virtually all, of the component parts of the product are made in the United States and all, or virtually all, of the labor in manufacturing the product is performed in the United States.

Provided, further, that respondent shall not make a general U.S. origin claim, whether or not accompanied by qualifying information (e.g., "Made in U.S.A. of U.S. and imported parts" or "Manufactured in U.S. with imported materials") unless the fishing product was last substantially transformed in the United States, as the term "substantially transformed" is defined by regulations or administrative rulings issued by the U.S. Customs Service under Section 304 of the Tariff Act of 1930, 19 U.S.C. 1304.

II.

It is further ordered, That respondent Johnson Worldwide Associates, Inc., and its successors and assigns, shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All labeling, packaging, advertisements and promotional materials containing the representation;

B. All materials that were relied upon in disseminating the representation; and

C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

III.

It is further ordered, That respondent Johnson Worldwide Associates, Inc., and its successors and assigns, shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

IV.

It is further ordered, That respondent Johnson Worldwide Associates, Inc., and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C.

V.

It is further ordered, That respondent Johnson Worldwide Associates, Inc., and its successors and assigns, shall, within ninety (90) days after the date of service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

VI.

This order will terminate on April 6, 2019, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of this order if such complaint is filed after the order has terminated pursuant to this Part. Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

IN THE MATTER OF
KUBOTA TRACTOR CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3863. Complaint, April 6, 1999--Decision, April 6, 1999

This consent order, among other things, prohibits a California-based corporation from misrepresenting the extent to which any lawn and garden tractor, or lawn and garden tractor product line, is made in the United States.

Participants

For the Commission: *Kent Howerton, Laura Koss, and Elaine Kolish.*

For the respondent: *Richard Briggs*, in-house counsel, Gardena, CA.

COMPLAINT

The Federal Trade Commission, having reason to believe that Kubota Tractor Corporation ("respondent") has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Kubota Tractor Corporation is a California corporation with its principal office or place of business at 3401 Del Amo Boulevard, Torrance, California.
2. Respondent has manufactured, advertised, labeled, offered for sale, sold, and distributed products to the public, including lawn tractors.
3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
4. Respondent has disseminated or has caused to be disseminated advertisements for its line of T-Series Lawn Tractors, including but not necessarily limited to the attached Exhibits A through D. These advertisements contain the following statements:

Exhibit A, 1998 Full Line Brochure

"The Kubota T-Series lawn tractors are manufactured at Kubota Manufacturing of America in Gainesville, Georgia."